

## **EXHIBIT B**

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS  
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In Re: )  
4 PHARMACEUTICAL INDUSTRY ) CA No. 01-12257-PBS  
AVERAGE WHOLESALE PRICE ) MDL No. 1456  
5 LITIGATION ) Pages 16-1 - 16-132  
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8 BENCH TRIAL - DAY SIXTEEN  
9 BEFORE THE HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT JUDGE  
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United States District Court  
14 1 Courthouse Way, Courtroom 19  
Boston, Massachusetts  
15 December 8, 2006, 9:15 a.m.  
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1 basically we'll finish next week except for possibly --

2 MR. BERMAN: Except for Bell perhaps and then the  
3 Rosenthal rebuttal.

4 THE COURT: Right. Do you know yet whether you  
5 want Dr. Bell again?

6 MR. BERMAN: We're still debating whether we'll do  
7 it with Hartman or whether we want to cross-examine him.

8 THE COURT: So I can get my eighth Bell notebook?

9 MR. WISE: Your Honor, before you go, I was going  
10 to request at some point, if we have time, we can talk about  
11 post-trial scheduling matters?

12 THE COURT: Actually I was starting to think  
13 optimistically about that myself. I was sort of thinking --  
14 maybe you can agree on a schedule today -- I was sort of  
15 thinking somewhere around the second or third week of January  
16 I would get post-trial filings so that people can have a  
17 decent vacation after this long haul. So basically assume  
18 that's off-limits, you all have a week off, and then give you  
19 two to three weeks afterwards to file whatever you need to  
20 file, with closing arguments at the end of January is  
21 currently how I was roughly thinking.

22 I was thinking out loud of 20 pages apiece for each  
23 of the defendants, A, for a memo and, B, for findings of  
24 fact, so it would be 20 for a memo and 20 for findings of  
25 fact, and then I'd multiply that times four. For you, that's

1 80 because as it spun out, actually, the individual issues  
2 are actually quite significant, things I hadn't focused on  
3 before because I'd been primarily focused on the crosscutting  
4 issues. And then perhaps each one of you might want to do  
5 another 20-page memo and findings of fact on the crosscutting  
6 issues. That's sort of what I'm thinking. It creates a huge  
7 amount of work for me, but I don't know how we can do it in  
8 less than that. I'm not looking for replies, rebuttals,  
9 anything. I mean, essentially a 20-page memo discussing the  
10 legal principles and basically the spin -- that's not the  
11 right word, but, you know, the basic theory of the case, plus  
12 20 pages on the actual facts with citations.

13 MR. TRETTER: And conclusions of law or just  
14 findings of fact?

15 THE COURT: You know, I don't know, if you do a  
16 memo, you need conclusions of law. There are certain legal  
17 questions that will need some analysis as they've spun out.  
18 For example, the issue of -- I've got to think about the  
19 adequacy of the Blue Cross-Blue Shield representation. I  
20 just have to address that. I've got some concerns about that  
21 as I've spun before: When is the knowledge of an agent  
22 imputed to the principal, when is it, when isn't it? That  
23 becomes a huge issue with Blue Cross-Blue Shield as part of  
24 the adequacy of representation. And of course basic 93A  
25 issues, but you've sort of briefed some of those, the two key